



State of Arizona  
Department of Education

**Tom Horne**  
Superintendent of  
Public Instruction

CN #06-09  
USDA TA#06-2008

**MEMORANDUM**

**TO:** Sponsors of the National School Lunch Program

**FROM:** Mary Szafranski, Deputy Associate Superintendent  
Arizona Department of Education, Health and Nutrition Services

Lee Renda, NSLP Nutrition Director  
Lynn Ladd, NSLP Health Director  
National School Lunch Program

**DATE:** October 21, 2008

**SUBJECT:** Aerated Beverages Categorized as "Soda Water" from the Competitive Food Services Regulation

*Original Signed*

This memorandum is to notify all Local Education Agencies (LEAs) of a recent change in the classification of aerated beverages. The United States Department of Agriculture, Food and Nutrition Service (FNS) has recently determined that all beverages labeled as "aerated" or that bubble and fizz for several minutes after opening are to be categorized as, "Soda Water" defined by the Competitive Food Service regulation 7 CFR Part 210.11 and Appendix B of this part. Despite the fact that the definition for soda water found in Appendix B (a)(1) only uses carbon dioxide as a measure, FNS does not differentiate between aerated water and soda water.

Perception is very important when making foods available to school-age children. The FNS considers aerated beverages to be foods of minimal nutritional value (FMNV), and as such, they may not be served in the food service area during the meal periods of both the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

Please note that this does not affect the items previously exempted from the FMNV regulation as stated in CN memos #17-08, #14-07, #23-06 and #34-05. If you have questions regarding this memo, please contact your assigned school health and nutrition specialist.

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Page 1 of 1